

REMARKS

Claims 41-85 are presently pending in this application. Reconsideration is respectfully requested in view of the amendments to the independent claims set forth above.

The Examiner has rejected the claims over the Gerace patent (US 5,848,396). Gerace relates to a method and apparatus for determining behavioral profile of a computer user. Specifically, the Gerace reference teaches using regression analysis on the user data. The Examiner has taken the position that this is the same as the applicants' "aggregate metric." However, the regression analysis in Gerace is used to generate psychographic and/or demographic characteristics of the users. The data are used to show advertisers what scope of coverage their ads are having. Over time, the ads can be made better, targeted to the individual users, the Gerace reference says.

The applicants' invention is for an entirely different purpose. The applicants' invention is designed to control content delivery to an audience, where the content can be automatically selected in real time based on aggregate audience data. As exemplified by applicants' Claim 1, an aggregate audience interaction monitor system monitors the addressable network and generates at least one audience metric corresponding to the aggregate usage by plural persons within the audience to whom the content is being delivered over the addressable network. The content delivery system then automatically selects content elements in real time and actively delivers those selected contents to the audience receiving content over the addressable network and to the audience receiving the content over a channel-tuned broadcast spectrum.

Unlike the applicants' system, the Gerace system does not contemplate the selection of content automatically and in real time based on aggregate usage metrics. The Gerace system is designed to provide regression analysis data that advertisers can review and then make business decisions as to how future advertisements will be run.

Accordingly, in order to more fully distinguish the applicants' invention, the independent claims have been amended to recite the applicants' real time automatic selection aspect. It is respectfully submitted that Gerace does not contemplate such automatic real time behavior. Moreover, as discussed in applicants' previous response to the March 28, 2005 office action, the art of record (Gerace included) employ predictive control whereby individual user preferences are gathered and then those preferences are exploited in providing customized content to each user. The applicants' invention is a form of adaptive control where the aggregate behavior of an aggregate audience is measured and then used to supply content to the entire audience. As now more fully set forth herein, applicants' adaptive control adjusts the content being supplied automatically and in real time. Accordingly, it is respectfully submitted that claims 41-85 are now in a condition for allowance.

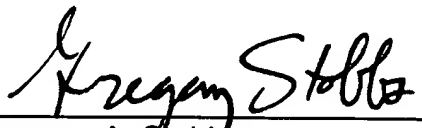
CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance. Thus, prompt

and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

Dated: Dec 22, 2005

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